



TOWN OF PARADISE

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PLANNING DIRECTOR A G E N D A

December 12, 2011; 10:00 a.m.

CALL TO ORDER

1. **APPROVAL OF MINUTES – August 11, 2011**

2. **PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)**

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Planning Director meeting.

*** * * * PUBLIC HEARING PROCEDURE * * * ***

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|-----------------------------------|--------------------------------|
| A. Staff comments | C. Close hearing to the public |
| B. Open the hearing to the public | D. Project decision |

3. **CONTINUED PUBLIC HEARING – None.**

4. **PUBLIC HEARING**

- a. Item proposed to be determined exempt from environmental review:

ARC OF BUTTE COUNTY USE PERMIT (PL11-00331) APPLICATION: Request for Town approval of a use permit establishing a community care facility (adult day care) for up to 45 adults with developmental disabilities within an existing \pm 3,500 square foot vacant office building upon a \pm 0.52 acre property zoned Community Facilities (CF) located at 5325 Black Olive Dr, AP No. 052-250-062.

5. **ADJOURNMENT**

**TOWN OF PARADISE PLANNING DIRECTOR
PLANNING STAFF REPORT
MEETING DATE: December 12, 2011**

FROM: Susan Hartman, Assistant Planner **AGENDA NO. 4 (a)**
SUBJECT: ARC of Butte County, Inc. Use Permit Application (PL-11-00331)
DATE: December 6, 2011 **AP 052-250-062**

GENERAL INFORMATION:

Applicant: ARC of Butte County, Inc.
P.O. Box 3697
Chico, CA 95927

Location: 5325 Black Olive Drive

Requested Action: Use permit approval to establish a community care facility (adult day care) for up to 45 adults with developmental disabilities within an existing +/- 3,500 square foot vacant office building.

Purpose: To provide care for developmentally disabled adults in a day care setting.

Present Zoning: Community Facilities (CF)

General Plan Designation: Public Institution (PI)

Existing Land Use: Vacant building space

Surrounding Land Use:

North:	Medium density residential
East:	Foster Road
South:	Black Olive Drive
West:	Medium density residential

Parcel size: +/-0.52 acre

Environmental Determination: Categorical Exemption – CEQA Guidelines Section 15303 (Class 3)

Other: An appeal of a Planning Director’s decision can be made within 7 (seven) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING DIRECTOR MAY NOT TAKE ACTION ON THIS APPLICATION.

SPECIAL INFORMATION:

The project applicant, ARC of Butte County, Inc., is requesting Town of Paradise use permit application approval for the establishment of a community care facility within an existing +/-3,500 square foot building space located at 5325 Black Olive Drive. The community care facility would function on a day care basis and would consist of community and center-based activities for adults with developmental disabilities. Clients cared for at the facility will be engaged in a variety of constructive activities that will assist them in acquiring self-help skills that focus on the development and maintenance of the functional skills required for self-advocacy, community integration, employment and self-care.

The +/-0.52 acre project site is improved with an existing +/-3,500 office structure (formerly used as the administrative offices of the Paradise Irrigation District) and a paved, striped parking facility containing 39 parking spaces. The project site is situated within the Community Facilities (CF) zoning district. Two existing driveway connections provide primary access to the site via Black Olive Drive and Foster Road, both public streets.

The program will accommodate care and supervision of up to 45 adults and will be staffed by up to ten people. Days and hours of operation for the day care facility are proposed to be 8 a.m. to 5 p.m., Monday through Friday. Other than accessibility improvements proposed for an existing bathroom, no significant modifications to the structure are proposed, however, an existing small identification sign structure is proposed to be relocated from its current location within the public right-of-way of Black Olive Drive to a location on the project site.

ANALYSIS:

The project has received favorable responses from commenting agencies and appears to be a reasonable location for the establishment of a community care facility of the type proposed. The design of the proposed project is in compliance with all applicable zoning regulations and can be found to be consistent with applicable Paradise General Plan policies.

ENVIRONMENTAL REVIEW:

As a project involving occupancy for a vacant office structure, the project belongs to a class of projects that can be determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the CEQA Guidelines.

ANALYSIS CONCLUSION:

After reviewing the existing environmental setting and circumstances associated with this application request, it is staff's position that the requested use permit application is reasonable and that the project applicant will serve an important community service. Staff has developed several recommended conditions of project approval to insure the orderly development of this portion of the Paradise community. Therefore, staff endorses Planning Director approval of the ARC of Butte County, Inc. use permit application, based upon and subject to the following recommended findings and conditions of project approval:

FINDINGS REQUIRED FOR APPROVAL:

1. Certify the Planning Director's determination that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a land use on property that is conditionally zoned for such use and within an existing vacant structure suitable for such use.
3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Community Facilities zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established commercial and residential land uses and public infrastructure;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

STAFF RECOMMENDATION:

After closure of the scheduled public hearing, **adopt the findings provided by staff and approve the ARC of Butte County, Inc. use permit application (PL-11-00331)** authorizing the establishment of a licensed adult day care facility within an existing +/-3,500 square foot commercial building space on property located at 5325 Black Olive Drive, subject to the following conditions:

GENERAL CONDITIONS OF USE PERMIT APPROVAL

1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, the use permit may become subject to revocation by the Town of Paradise.
2. Secure Town of Paradise design review approval for any new business or identification signs prior to the establishment of such signs.
3. The total number of clients and support staff that occupy the building proposed for licensed adult day care occupancy shall at no time exceed the occupancy level expressly authorized by the Town of Paradise, based upon calculated wastewater generation.

CONDITIONS TO BE MET PRIOR TO OCCUPANCY

ROADS AND ACCESS

4. Deed thirty feet from the centerlines of Foster Road and Black Olive Drive to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
5. Construct or defer by covenant executed with the Town of Paradise one-half street section upgrade improvements along the project site frontage of Foster Road and Black Olive Drive to the town-adopted B-2 road standard.

FIRE PROTECTION

6. Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the Commercial Fire Department Condition letter dated November 30, 2011 for the ARC of Butte County use permit application (copy on file with the Town Development Services Department).

CONSTRUCTION CODES

7. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of any plans, building permit applications, and all applicable Town adopted building code requirements.

SITE DEVELOPMENT

8. Maintain the on site parking facility in substantial compliance with applicable provisions of Chapter 17.38 (*Off-Street Parking and Loading Regulations*) of the Paradise Municipal Code for the term of the proposed and conditionally authorized land use in a manner deemed acceptable to the Town Engineer, including adequate surfacing, drainage, striping and directional markings.
9. Relocate the existing, freestanding identification sign located within the Black Olive Drive public right-of-way to a location on the project site. Secure the issuance of a Town-approved administrative permit, reviewed for traffic sight distance compatibility, if the new location is within fifty feet from the centerline of any public street.